

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION

IN RE: JAMES EDWARD HALCOMB and ) Case No: 03-52119 C-13W  
JERRI STARNES HALCOMB )  
 )  
Debtors )  
 )  
 )

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MOTION FOR AUTHORIZATION TO RELEASE VEHICLE

NOW COME the Debtors, by and through counsel, and move the Court for an Order authorizing them to release a 2001 Oldsmobile Alero vin number 1G3NF12E31C194817 "Alero"). In support of that motion, the Debtors offer the following:

1. The Debtors filed their Chapter 13 petition on July 21, 2003. The plan was confirmed on March 8, 2004. The Debtors listed a 2001 Oldsmobile Alero valued at \$17,600.00 in the Debtors' plan.

2. GMAC Financial Services was the creditor listed in the Plan for the Alero. Proof of claim was filed on behalf of GMAC Financial Services for the Alero in the amount of \$17,796.56. The Debtors' plan provided the payment for this vehicle was to be made outside of the plan.

3. The Debtors are struggling to make their Chapter 13 payments and have enough money left to support themselves as the male Debtor has been placed on "short time" at his job in the furniture manufacturing industry.

4. The Debtors desire to modify their plan and release the 2001 Oldsmobile Alero, vin number 1G3NF12E31C194817 to GMAC Financial Services.

5. The release of the vehicle will not affect distributions to any other creditor in this case.

6. The Debtors propose that GMAC Financial Services sell the Grand Am and apply the proceeds to the secured claim. They request that the Court enter an Order to release the vehicle, that GMAC Financial Services sell the vehicle and have 120 days from the

entry of the Order to report a deficiency. In the event no deficiency claim is filed within 120 days of the entry of the Order releasing the vehicle, the Debtor proposes the release of the Alero will be in full satisfaction of the secured claim.

7. THIS PROPOSED RELEASE OF THE VEHICLE WILL NOT REDUCE THE AMOUNT PAID TO ANY OTHER CREDITOR.

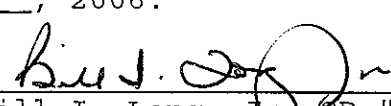
WHEREFORE, the Debtors respectfully request the Court to enter an Order as follows:

1. Authorizing the Debtors to release the 2001 Oldsmobile Alero to GMAC Financial Services;

2. Granting GMAC Financial Services 120 days from the entry of an Order to liquidate the vehicle and file a deficiency claim, or the release of the vehicle will be deemed in full satisfaction of the secured claim;

3. And for such other and further relief as may seem fit and proper.

This the 28 day of February, 2006.

  
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Bill I. Long, Jr. SB #16724  
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(336) 294-7777

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing MOTION TO RELEASE VEHICLE upon the parties listed below by causing said document(s) to be deposited in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service.

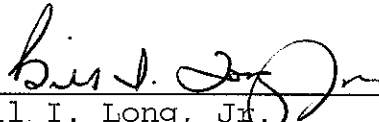
SERVED ON:

Kathryn L. Bringle  
P. O. Box 2115  
Winston-Salem, NC 27102-2115

GMAC Financial Services  
2740 Arthur Street  
Roseville, MN 55113-1303

all parties in interest

This the 28 day of February, 2006.

  
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